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SIA WASHDC 4136
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O N F I D E N T I A L SECTION 01 OF 03 BEIJING 005034

LAANBAATAR PASS A/S LORD

.O. 12356: N/A
AGS: PHUM, PREL, UNHRC-1, CH
UBJECT: CHINA CRITICIZES 1994 HUMAN RIGHTS REPORT

EF: A) FBIS OW2602074095, B) 94 BEIJING 20083,

CONFIDENTIAL

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) 94 BEIJING 56982, D) BEIJING 4690

(C) SUMMARY. A LENGTHY OFFICIAL CHINESE CRITIQUE OF THE 1994 HUMAN RIGHTS REPORT ON CHINA, ISSUED FEBRUARY 7, ATTEMPTS TO REPUTE ALLEGATIONS IN A FEW SPECIFIC CASES, AND PROVIDES DETAILS ABOUT THE CHARGES IN ONE RECENT CASE THAT WERE NOT PUBLICLY AVAILABLE. OTHER CRITICISMS IN THE CRITIQUE, HOWEVER, ARE NOT BASED ON THE LANGUAGE CONTAINED IN THE 1994 REPORT, OR ARE AIMED AT HUMAN RIGHTS CONDITIONS IN THE UNITED STATES RATHER THAN CHINA. ALTHOUGH THE CRITIQUE IS EXTREMELY SELECTIVE IN ITS APPROACH, IT NONETHELESS CONSTITUTES A SMALL CONTRIBUTION TO OUR CONTINUING HUMAN RIGHTS DIALOGUE WITH CHINA BY OPENLY DISCUSSING SOME RELEVANT ISSUES.

DEPARTMENT OF STATE	IS/FPC/CDR	TRM	Date: 1/14/97
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() RELEASE	() DECLASSIFY	TS authority to:	
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DISCUSSION OF THE PROOF OFFERED AT TRIAL TO SUPPORT THESE ALLEGATIONS.

AW MEN

.. (U) THE CRITIQUE DEVOTED CONSIDERABLE ATTENTION TO SEVERAL CASES WHERE THE STATE COUNCIL EITHER IGNORED OR MISREAD THE HUMAN RIGHTS REPORT'S LANGUAGE; IN SOME INSTANCES, THE CRITIQUE COMPLAINED ABOUT ACCUSATIONS THAT WERE NOT IN THE 1994 REPORT. THE CRITIQUE QUOTED THE

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REPORT'S LANGUAGE ON THE ALLEGATIONS OF CONTINUED ABUSE OF LIU GANG, INCLUDING OFFICIAL CHINESE DENIALS, BUT NONETHELESS ACCUSED THE REPORT OF "REPEATING LIES." THE REFERENCE TO ALLEGATIONS OF TRANSPLANTATION OF ORGANS FROM EXECUTED PRISONERS WAS ALSO QUOTED, BUT DESPITE OUR REPORT'S ACKNOWLEDGMENT THAT THE STORIES WERE NOT VERIFIED, THE CRITIQUE CLAIMED THE REFERENCE HAS "A DELIBERATE ATTEMPT TO CONCOCT AND SPREAD LIES." A LENGTHY REFUTATION OF THE BBC REPORT ON THE ALLEGATIONS ON TRANSPLANTS THEN FOLLOWED.

.. (U) IN OTHER INSTANCES, THE AUTHORS OF THE CRITIQUE WENT OUT OF THEIR WAY TO FIND ISSUES TO COMPLAIN ABOUT. FOR EXAMPLE, THE CRITIQUE IMPLIED THAT WANG JUNTAO'S CASE WAS MENTIONED IN THE 1994 REPORT AS AN EXAMPLE OF MISTREATMENT OF PRISONERS. WHILE REPORTS OF MISTREATMENT OF WANG HAD BEEN DISCUSSED IN HUMAN RIGHTS REPORTS IN PRIOR YEARS, THE 1994 REPORT ONLY CREDITED CHINA WITH AGREEING TO HIS RELEASE. THE CRITIQUE NOTED WITH SOME SARCASM THAT WANG WAS NOT HOSPITALIZED IN THE U.S. AFTER HE WAS RELEASED DESPITE ALLEGATIONS BY THE STATE DEPARTMENT THAT HE HAD BEEN IN POOR HEALTH.

. THE CRITIQUE ALSO INCORRECTLY CLAIMED THAT THE 1994 REPORT REFERRED TO "EXTENSIVE POLITICAL AND EXTRAJUDICIAL KILLINGS." NOT ONLY DID THE REPORT NOT SAY THIS, IT ALSO CITED CHINESE PRESS REPORTS AS WELL AS THOSE FROM HUMAN RIGHTS GROUPS ON INDIVIDUAL CASES, ACKNOWLEDGING THAT THE CHINESE ARE ALSO REPORTING ON THESE ABUSES. THE CRITIQUE ALSO CLAIMED THAT THE DISCUSSION OF CASES OF ABDUCTION OF WOMEN AND CHILDREN WAS CALLED A "HUMAN RIGHTS ABUSE" WHEN IN FACT THE REPORT WAS POINTING OUT THE ACTIONS TAKEN BY CHINESE OFFICIALS TO ADDRESS THE PROBLEM.

FAMILIAR ARGUMENTS ON RELIGION

. (U) THE CRITIQUE REPEATED FAMILIAR ARGUMENTS THAT NO ONE IS PERSECUTED FOR RELIGIOUS BELIEFS IN CHINA BUT ONLY FOR BREAKING THE LAW "UNDER THE GUISE OF RELIGION." THE AUTHORS THEN DISCUSSED THE TREATMENT OF THE "JESUS FAMILY" IN SHANDONG IN SOME DETAIL, AND COMPARED THEIR

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REATMENT WITH THAT OF THE BRANCH DAVIDIANS IN TEXAS.
HE 1994 REPORT, HOWEVER, DID NOT DISCUSS THE JESUS
AMILY CASE.

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DEFEND BY ATTACKING

. (U) THE CRITIQUE ALSO DEVOTED CONSIDERABLE SPACE TO
CRITICIZING THE HUMAN RIGHTS SITUATION IN THE U.S.,
PARTICULARLY THE STATUS OF WOMEN AND PROBLEMS WITH RACIAL
DISCRIMINATION AND CRIME. THE CRITIQUE URGED THE UNITED
STATES TO "DO ITS UTMOST TO IMPROVE THE ABOMINABLE HUMAN
RIGHTS CONDITIONS IN ITS OWN COUNTRY, RATHER THAN
COVERING THEM UP BY ATTACKING OTHERS ON THE ISSUE." THE
CRITIQUE CRITICIZED THE U.S. FOR NOT ACCEDING TO THE
CONVENTION AGAINST TORTURE, THE CONVENTION ON RACIAL
DISCRIMINATION, AND THE CONVENTION ON SUPPRESSION OF
APARTHEID. IT NEGLECTED TO MENTION THAT THE U.S. HAS
SIGNED THE CONVENTION AGAINST TORTURE.

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RESPONSE TO GENEVA RESOLUTION

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2. (C) COMMENT: [

END COMMENT.

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4. (U) IN ANTICIPATION OF REQUESTS FOR USG REACTION TO THE CRITIQUE, WE PROVIDE THE FOLLOWING SUGGESTED PRESS GUIDANCE:

: WHAT IS YOUR RESPONSE TO CHINA'S REBUTTAL OF THE 1994 HUMAN RIGHTS REPORT?

: WE ARE GLAD THAT THE CHINESE GOVERNMENT HAS STUDIED THE REPORT, ALTHOUGH THE REBUTTAL APPEARS TO MISCONSTRUE SOME LANGUAGE IN THE REPORT WHICH WAS IN FACT NOT CRITICAL OF CHINA. FOR EXAMPLE, THE REFERENCE IN THE 1994 HUMAN RIGHTS REPORT OF CASES OF ABDUCTION OF WOMEN AND CHILDREN WAS NOT A CRITICISM BUT WAS POINTING OUT STEPS THE CHINESE GOVERNMENT HAS TAKEN TO PROSECUTE SUCH CASES. THE U.S. WELCOMES THE OPPORTUNITY TO DISCUSS THE ISSUES RAISED IN ITS HUMAN RIGHTS REPORTS WITH THE HOST GOVERNMENT OR OTHER ORGANIZATIONS. WE WILL BE HAPPY TO INCLUDE THESE ISSUES IN OUR BILATERAL DIALOGUE ON HUMAN RIGHTS WITH CHINA. THE REBUTTAL CONTAINED INFORMATION ON SOME CASES WHICH WE HAD REQUESTED FROM THE CHINESE, BUT WHICH THEY HAD NOT PREVIOUSLY PROVIDED. WE ENCOURAGE JOINT EXCHANGES OF INFORMATION.

: HOW DO YOU ANSWER THE POINT THAT THE U.S. HAS ITS OWN HUMAN RIGHTS PROBLEMS AND HAS NO RIGHT TO CRITICIZE CHINA OR OTHER COUNTRIES?

: AS YOU KNOW, THE U.S. RECENTLY ISSUED A TWO-HUNDRED PAGE REPORT ON HUMAN RIGHTS IN THE UNITED STATES IN

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SUGGESTED PRESS GUIDANCE IS INCLUDED IN PARA. 14. END SUMMARY.

. (U) THE STATE COUNCIL INFORMATION OFFICE PUBLISHED A FULL PAGE CRITIQUE OF THE 1994 COUNTRY REPORT ON HUMAN RIGHTS IN CHINA ("THE REPORT") IN THE ENGLISH-LANGUAGE CHINA DAILY ON FEBRUARY 27 (REPORTED IN FBIS, REF A). THE PEOPLE'S DAILY SUMMARIZED THE CRITIQUE ON FEBRUARY 7, AND CHINESE TELEVISION NEWS ON THE 26TH REPORTED ON THE CRITIQUE AT AT SOME LENGTH. THE CRITIQUE ACCUSED THE STATE DEPARTMENT OF "DISTORTING FACTS AND CONFUSING RIGHT AND WRONG ... TO ATTACK CHINA." THE U.S. PRACTICE OF ISSUING YEARLY HUMAN RIGHTS REPORTS WAS DECRIED AS IMPOSING U.S. HUMAN RIGHTS VALUES ON OTHER COUNTRIES AND AS "HEGEMONISM AND POWER POLITICS." AS WITH CRITICISMS IN PREVIOUS YEARS (REP B), CHINA COMPLAINED THAT THE HUMAN RIGHTS REPORT CONSTITUTED INTERFERENCE IN ITS INTERNAL AFFAIRS.

PROVIDING ADDITIONAL INFORMATION ON SPECIFIC CASES

. (U) THE CRITIQUE HIGHLIGHTED ALLEGATIONS (IN SECTION A OF THE REPORT) THAT IMPRISONED TIBETAN NUN PHUNTSOG ANGKYI DIED AFTER A BEATING BY GUARDS TO "PROVE" THAT THE UNITED STATES GOT ITS FACTS WRONG IN DRAFTING THE REPORT. THE INFORMATION OFFICE REPORTED THAT HER DEATH WAS, IN FACT, CAUSED BY CEREBRAL TUBERCULOSIS, AND THAT ALL APPROPRIATE STEPS WERE TAKEN TO TRY TO SAVE HER LIFE. THE CRITIQUE ALLEGED THAT SHE RECEIVED MEDICAL TREATMENT BEGINNING MAY 18 BUT HER CONDITION WORSENEDED. ACCORDING TO THE CRITIQUE, SHE WAS GIVEN TRADITIONAL CELESTIAL BURIAL. AMNESTY INTERNATIONAL HAD REPORTED SHE WAS CREMATED WITHOUT HER FAMILY'S CONSENT BEFORE AN AUTOPSY COULD BE PERFORMED, ALTHOUGH THAT ASPECT OF HER CASE WAS NOT DISCUSSED IN THE HUMAN RIGHTS REPORT. WITHOUT INDEPENDENT ACCESS TO PRISON RECORDS, IT IS UNLIKELY THAT EITHER VERSION OF EVENTS CAN BE CONFIRMED.

. (U) FOR THE FIRST TIME, THE CRITIQUE OFFERED ADDITIONAL INFORMATION ON THE CONVICTION OF THE "BEIJING 5," SEVERAL OF WHOM WERE SENTENCED LATE LAST YEAR TO PRISON TERMS OF UP TO 20 YEARS (REF C). ACCORDING TO THE STATE COUNCIL, THE DEFENDANTS WERE CONVICTED FOR ADVOCATING VIOLENT OVERTHROW OF THE GOVERNMENT, "MAKING ACTIVE PREPARATION FOR ARMED STRUGGLE" AND SETTING UP A DIVISION FOR MILITARY PREPARATIONS, INCLUDING "ACQUIRING WEAPONS." THEY WERE ALSO ACCUSED OF "FORGING SECRET LINKS" WITH AND RECEIVING "FINANCIAL AND MATERIAL ASSISTANCE" FROM "ANTI-CHINA ORGANIZATIONS ABROAD." THE CRITIQUE ARGUED THAT SUCH ACTIONS WOULD BE PUNISHABLE IN ANY COUNTRY AS JEOPARDIZING STATE SECURITY. THERE HAS NO

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PURSUANT TO THE INTERNATIONAL CONVENTION ON CIVIL AND
POLITICAL RIGHTS, #Q-SX(NTRIES, AND WE ARE READY TO DISCUSS THEM AT ANY TIME
WITH THE CHINESE GOVERNMENT AND OTHERS. HALLFORD

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